



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

July 16, 2020

**BY ECF AND EMAIL**

The Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Sohrab Sharma*, 18 Cr. 340 (LGS)**

Dear Judge Schofield:

The Government and counsel for defendant Sohrab Sharma respectfully submit this letter in connection with the Court's July 13, 2020 Order (Dkt. 359) directing the parties to promptly schedule a change of plea hearing with the Magistrate Judge on duty. Sharma is currently scheduled to plead guilty before the Honorable Robert W. Lehrburger, United States Magistrate Judge, on July 17, 2020 at 12 p.m., and wishes to appear at the plea hearing remotely. For the reasons set forth below, the parties respectfully request that the Court enter the attached order allowing Sharma's plea proceeding to proceed remotely.

Pursuant to Section 15002 et seq. of the Coronavirus Aid, Relief, and Economic Securities Act ("CARES Act"), plea proceedings may proceed by video teleconference, or telephone conference if video teleconferencing is not reasonably available, with the consent of the defendant and a finding by the district court judge that further delay of the proceeding will result in serious harm to the interests of justice. *See* H.R. 748, Section 15002 et seq., P.L. 116-136, signed into law on March 27, 2020 (noting that if "the district judge in a particular case finds for specific reasons that the plea . . . in that case cannot be further delayed without serious harm to the interests of justice, the plea . . . may be conducted by video teleconference, or by telephone conference if video teleconferencing is not reasonably available"); *see also* Southern District of New York Amended Standing Order, 20 MC 176, June 24, 2020.

The parties jointly agree and respectfully submit that the victims' interest in advancing their ability to obtain a restitution order and the Government's interest in advancing its ability to forfeit seized assets are "specific reasons," within the meaning of Section 15002 et seq. of the CARES Act, sufficient to proceed with a video teleconference or telephone conference for Sharma's change of plea proceeding. The parties agree that, as a result, the plea proceeding in this case cannot be further delayed without serious harm to the interests of justice and should proceed remotely. Sharma, who resides in Florida, has conveyed that he is pre-diabetic and has high cholesterol and asthma and is concerned about possible COVID-19 complications, and requests a remote plea proceeding due to the risk to him and the public that his travel by airplane would pose during the coronavirus COVID-19 pandemic. In addition, the Government understands that Judge

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Lehrburger will hear the defendant's plea by telephone conference because videoconferencing is not reasonably available.<sup>1</sup>

Accordingly, the parties respectfully request that the Court enter the attached order allowing Sharma's plea proceeding to proceed remotely by telephone conference pursuant to the CARES Act.

Respectfully submitted,

ILAN T. GRAFF

Attorney for the United States

Acting Under 28 U.S.C. § 515

By: /s/Negar Tekeei  
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cc: All counsel (via ECF)

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<sup>1</sup> The Government understands, from the Magistrate Court Office, that video is reserved for new presentments and matters that have been scheduled with the Metropolitan Correctional Center and the Metropolitan Detention Center, and that, in such instances, only the judge and the defendant would have access to video while all other participants would participate by telephone conference.